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U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

26 JAN 1984

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Stockman:

Enclosed for review within the Administration is a draft legislative proposal to ban the manufacture or importation of certain armor-piercing handgun bullets capable of penetrating the soft body armor used by many law enforcement officials and certain high-level officials including the President.

Background

In early, 1982, news reports on the ability of certain Teflon-jacketed bullets (the "KTW") to penetrate soft body armor provoked concern in the law enforcement community. The Department of Justice prepared legislation proposing to ban such armor-piercing handgun ammunition but that legislation was defective in its attempt to define such ammunition and was never cleared by OMB.

When then Associate Attorney General Giuliani testified before the House Subcommittee on Crime on this issue in May of 1982, he proposed legislation to establish minimum-mandatory penalties for the use of such ammunition during the course of a federal crime of violence and indicated that the Department would continue to seek to develop a definition of armor-piercing bullets for use in a bill to ban such dangerous ammunition. Because the House Subcommittee on Crime felt that it was not worthwhile to process a bill restricted to mandatory penalties for the criminal use of such ammunition, no further action was taken on this issue in 1982.

In 1983, we included our mandatory penalty proposal in the President's Comprehensive Crime Control Act of 1983. Also in early 1983, the Department funded a research effort by the National Institute of Justice (NIJ) and the National Bureau of Standards (NBS) to develop a proper definition of armor-piercing bullets for a bill to ban such ammunition. The NIJ-NBS interim report was submitted in August and, following further testing, a final report was submitted in December.

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In the meantime, public support for legislation to ban armor-piercing bullets has grown. Congressman Mario Biaggi has 181 House sponsors for his bill, H.R. 953, which uses a seriously defective definition of "armor-piercing ammunition." An identical Senate bill introduced by Senator Moynihan, S. 555, has 17 sponsors. Editorials in the New York Times, Washington Post, Los Angeles Herald and other newspapers support such legislation and have criticized the Administration for its failure to support the Biaggi bill. We have received a number of letters from State Attorneys General and police groups urging us to endorse legislation to ban such ammunition.

The Bill

Our technicians believe that the enclosed bill, based on the new NIJ-NBS test procedure, is a workable and precise proposal. The "Speaker" letter describes the bill in some detail. It is felt that major American ammunition manufacturers will not object to this proposal as it is far preferable, from their perspective, to the Biaggi and Moynihan bills.

In this regard, the Biaggi-Moynihan bills, if strictly construed, would ban a number of bullets which have legitimate uses. In fact, those bills would effectively deprive thousands of citizens of the use of their handguns by banning all bullets manufactured for handguns chambered for certain cartridges. Moreover, the Biaggi-Moynihan bills are so imprecise in defining "armor-piercing handgun ammunition" that manufacturers and importers could not be certain whether the ammunition they are producing or importing is lawful or unlawful. Furthermore, the Biaggi-Moynihan bill is unclear as to its effect upon the growing number of State and local armor-piercing bullet laws which pose an increasing problem for ammunition manufacturers.

We believe our proposal avoids these various problems and that it will be well received by the law enforcement community and ammunition manufacturers alike.

Need for Prompt Action

In view of the strong support in the Congress for prompt action on armor-piercing bullet legislation, we will appreciate your expeditious review of the enclosed proposal. In an effort to facilitate review of the proposal, I am, by copy of this letter, sending copies of the package to the Department of the Treasury. In addition to Congressional pressure, the Administration is being criticized in the press and by police organizations for our failure to support the Biaggi-Moynihan bills or to offer

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an alternative. We believe we have now developed a responsible and prudent alternative to the bills before the Congress and recommend that this proposal be submitted to the Congress at the earliest possible date.

Sincerely,

Robert A. McConnell
Assistant Attorney General

Enclosures

cc: Assistant Secretary John Walker
U.S. Department of the Treasury

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